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6 Attorneys for Plaintiffs
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9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 (OAKLAND DIVISION)

12
13 GIL CROSTHWAITE, RUSS BURNS, in their
respective capacities as Trustees of the
14 OPERATING ENGINEERS HEALTH AND
WELFARE TRUST FUND FOR NORTHERN
15 CALIFORNIA, et al.

16 Plaintiffs,

17 v.

18 NEIL JACKSON CONSTRUCTION, INC.,
et al.,

19 Defendants.

Case No.: C07-0869 MEJ

STIPULATION

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STIPULATION

IT IS HEREBY STIPULATED by and between Plaintiffs Gil Crosthwaite, Russ Burns, in their respective capacities as Trustees of the Operating Engineers Health and Welfare Trust Fund for Northern California, Pension Trust Fund for Operating Engineers, Pensioned Operating Engineers Health and Welfare Fund, Operating Engineers and participating Employers Pre-Apprenticeship, Apprentice and Journeyman Affirmative Action Training Fund, Operating Engineers Vacation and holiday Plan, Operating Engineers Contract Administration Trust Fund, Operating Engineers Market Preservation Trust Fund, Operating Engineers Industry Stabilization Trust Fund, Business Development Trust Fund and Heavy and Highway Committee, on the one hand, and Defendants Neil Jackson Construction, a California corporation and Neil Jeffery Jackson, individually, and each of them, on the other hand, that the Fifth Claim for Relief for Breach of Fiduciary Duty, be dismissed, with prejudice, as against said Defendants.

DATED: January 23, 2007

PLAINTIFFS

By: Wayne Schrick

Its: OETF-MS Collection

DATED: December __, 2007

NEIL JACKSON CONSTRUCTION, a California corporation

By: Neil Jackson

Its: President

DATED: December __, 2007

By: Neil Jeffery Jackson
NEIL JEFFERY JACKSON

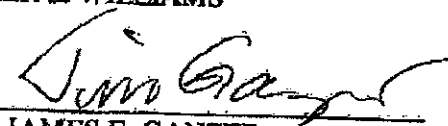
1 The undersigned counsel have advised their clients regarding this stipulation and have
2 approved it as to form.

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4 DATED: January 22, 2008

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6 
STACEY JACKSON,
Attorney for Defendants

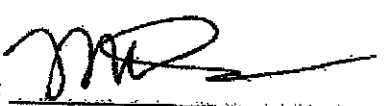
7
8 DATED: January 22, 2008

9 GANZER & WILLIAMS

10 By: 
JAMES E. GANZER,
Attorneys for Defendants

11
12 DATED: January 22, 2008

13 SALTZMAN & JOHNSON LAW
CORPORATION

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15 By: 
MICHELE R. STAFFORD
Attorneys for Plaintiffs

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18 ORDER

19 The parties having so Stipulated:

20 IT IS HEREBY ORDERED that the Fifth Claim for Relief, Breach of Fiduciary Duty, be
21 dismissed, with prejudice, as against all Defendants.

22 DATED: February 5, 2008

23
24 HONORABLE
United States M  JAMES



25 J71:Jackson1.stip.order
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